

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TERESA J. HORSLEY,

Plaintiff

v.

C-1-08-811

COMMISSIONER OF SOCIAL SECURITY,

Defendant

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 19) and plaintiff's objections thereto, which were not served on the defendant (doc. no. 21). Plaintiff, a Disability Insurance Benefits (DIB) claimant, brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying plaintiff's application for DIB and SSI benefits. The Magistrate Judge concluded that there is substantial evidence to support the Commissioner's findings and recommended that the final decision of the Commissioner that plaintiff is not entitled to benefits be affirmed.

I.

Plaintiff filed an application for DIB on October 13, 2004. Her application was denied initially and on reconsideration. Plaintiff's request for a *de novo* hearing before the ALJ was granted and evidentiary hearings were held on October 24, 2006 and February 15, 2007. Plaintiff was represented by counsel at the hearing and John Williams testified as a vocational expert. The ALJ entered her decision denying plaintiff's claim on June 7, 2007. Plaintiff appealed and the Appeals Council remanded the case for further consideration. On March 28, 2008, the ALJ held a supplemental administrative hearing at which time plaintiff was represented by counsel and Dr. Parsons testified as a vocational expert. The ALJ issued her final determination on May 1, 2008 denying plaintiff's claim. The Appeals Council denied review.

II.

Plaintiff specifically makes the following objections to the ALJ's findings:

- 1) that plaintiff does not have an impairment or combination of impairments that meets or medically equals one of the listed impairments in 20 CFR 404.1520(d), 404.1525, 404.1526;

2) that upon careful consideration of the entire record, plaintiff has the residual functional capacity to perform light work, as set forth [in the body of the decision];

3) that plaintiff is able to perform any past relevant work; and

4) that jobs exist in significant numbers in the national economy which plaintiff can perform considering plaintiff's age, education, work experience and residual functional capacity.

Plaintiff also argues that greater weight should have been given to the opinion of her treating physician, Dr. Quraishi. An ALJ must give the opinion of a treating physician controlling weight only when the physician supplies sufficient medical data to substantiate his diagnosis and opinion. Mere diagnosis of a condition is not indicative of a disabling functional debilitation. The doctors' conclusory statements about plaintiff's employability were entitled to no weight, as that issue was reserved to the Commissioner. The ALJ is not bound by conclusory statements of doctors, particularly where they are unsupported by detailed objective criteria and documentation.

III.

Judicial review of the Commissioner's decision is limited in scope by 42 U.S.C. § 405(g). The Court's sole function under the statute is to determine whether there is substantial evidence to support the Commissioner's findings of no disability. The Commissioner's findings should stand if, after a review of the record in its entirety, the Court finds that the decision is supported by "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Richardson v. Perales*, 402 U.S. 389, 401 (1971); *Mullen v. Sec. of HHS*, 800 F.2d 535 (6th Cir. 1986); *Kirk v. Sec. of HHS*, 667 F.2d 524 (6th Cir. 1981), *cert. denied* 461 U.S. 957 (1983).

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's contentions have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge that the Commissioner's decision is supported by substantial evidence in the record.

Accordingly, the Court ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 19). The final decision of the Commissioner denying plaintiff Disability Insurance Benefits is supported by substantial evidence and is hereby AFFIRMED.

This case is TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court